

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations.)
(Beeville, Christine, George West,)
And Tilden, Texas))

MB Docket No. 07-78
RM-11366
RM-11383

AUG 10 2007

FCC ...

ORDER TO SHOW CAUSE

Adopted: August 8, 2007

Released: August 10, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a timely counterproposal filed by Linda Crawford ("Crawford") in response to the *Notice of Proposed Rule Making*.¹ Crawford requested the issuance of this *Order to Show Cause* directed at Shaffer Communications Group, Inc., ("Shaffer") licensee of Station KRXB(FM), Channel 296A, Beeville, Texas to accommodate its counterproposal.

2. While the *Notice* proposed the allotment of Channel 245C3 at Christine, Texas,² as a first local service, Crawford's counterproposal proposes to allot Channel 245A at Christine and Channel 250A at Tilden as first local services.³ To accommodate the Tilden proposal, Crawford proposes to substitute Channel 296A⁴ for vacant Channel 250A at George West, Texas, which in turn requires the substitution of Channel 246A for Channel 296A at Beeville at KRXB's current licensed site. Since all of the foregoing channel proposals are within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

¹ *Christine, Texas*, Notice of Proposed Rule Making, 22 FCC Rcd 7604 (MB 2007) ("Notice").

² The proposed allotment of Channel 245A at Christine conflicts with a proposal to allot Channel 245C1 to San Antonio, Texas, and the proposed allotment of Channel 250A at Tilden conflicts with a proposal to allot Channel 249C1 at Converse, Texas. The San Antonio and Converse proposals, in MM Docket No. 00-148, were dismissed by Report and Order. See *Quanah, TX et al.*, Report and Order, 18 FCC Rcd 9495 (MB 2003), *aff'd* Memorandum Opinion and Order, 19 FCC Rcd 7159 (MB 2004) (MM Docket No. 00-148). An Application for Review was filed on June 21, 2004. We caution parties that the instant proposal, if granted, would be subject to the outcome of MM Docket No. 00-148, since this proceeding is effective but not final. See *Auburn, Alabama, et al.*, Memorandum Opinion and Order, 18 FCC Rcd 10333 (MB 2003). The Christine proposal also conflicts with a proposal for Channel 245C3 at Tilden, Texas, in MM Docket No. 01-153, which was dismissed by Report and Order. See *Tilden, Texas*, Report and Order, 19 FCC Rcd 6112 (MB 2004) (MM Docket No. 01-153). An Application for Review was filed on May 4, 2004. Thus, we also caution parties that the Christine proposal, if granted, would be subject to the outcome of MM Docket No. 01-153.

³ The proposed site for Channel 245A at Christine is 28-46-18 NL and 98-30-00 WL with a site restriction of 1.9 km (1.2 miles) south of the community and for Channel 250A at Tilden is 28-25-48 NL and 98-31-24 WL with a site restriction of 4.3 km (2.7 miles) southeast of the community.

⁴ The proposed site for Channel 296A at George West is 28-24-24 NL and 98-06-00 WL with a site restriction of 8.1 km (5.0 miles) north of the community.

3. Section 316(a) of the Communications Act of 1934, as amended,⁵ permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.⁶ We find that the Crawford counterproposal has sufficient public interest benefits to justify the issuance of a show cause order. Therefore, we are issuing this *Order to Show Cause* directed to Shaffer, requesting the licensee to show cause why Station KRXB, Channel 296A, Beeville, Texas should not be modified to specify Channel 246A as proposed herein. Crawford states that she will reimburse Shaffer for the reasonable costs incurred in connection with the proposed channel change for KRXB consistent with the *Circleville* policy.⁷

4. Accordingly, IT IS ORDERED, That pursuant to the Act, Shaffer Communications Group, Inc., licensee of Station KRXB(FM), Beeville, Texas, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 246A in lieu of Channel 296A.

5. Pursuant to Section 1.87 of the Commission's Rules, the above affected licensee may, no later than September 24, 2007, file a written statement showing with particularity why the station's license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensee herein to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to the modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, That a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Station KRXB(FM)
Shaffer Communications Group, Inc.
1239 B West 19th Street
Houston, TX 77008

7. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁵ 47 U.S.C. § 316(a) (the "Act").

⁶ 47 C.F.R. § 1.87.

⁷ See *Circleville, Ohio*, Memorandum Opinion and Order, 8 FCC 2d 159 (1967).